

Purpose: 100 years of Maternity Protection (ILO conference)

Relating to:

Goal 3: Good Health and Well-Being

3.1 By 2030, reduce the global maternal mortality ratio to less than 70 per 100,000 live births.

3.2 By 2030, end preventable deaths of newborns and children under 5 years of age

Goal 5: Gender Equality

5.1 End all forms of discrimination against women and girls everywhere

5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate

5.c Adopt enforceable laws to promote gender equality and empowerment of women

Meeting name and location: Conference on the Maternity Protection Convention, ILO, Geneva

Meeting Date: 8 November 2019

Report to Zonta International

Exactly 100 years ago, the first steps were taken to ensure the protection of pregnant women at work. The Maternity Protection Convention was adopted by the International Labour Conference in November 1919. It was the first-ever gender equality international labor standard. The Convention recognizes the right to paid leave in relation to childbirth with employment protection. Maternity protection was one of the primary concerns of the International Labour Organisation (ILO).

The year 2019 is a special year not only because of the centennial of Zonta International. We also celebrate the creation of the ILO and the adoption of the Maternity Protection Convention. Even more special is that the Convention was adopted in November 1919, the month of Zonta's creation.

The Maternity Protection Convention of 1919



The Maternity Protection Convention, 1919 (No. 3)¹ laid out the basic principles of maternity protection: the right to maternity leave, the right to medical benefits, and the right to income replacement during leave. The right to leave was reinforced by the explicit prohibition of dismissal during a woman's absence on maternity leave or at such time that the notice would expire during such absence. Employment security was thus seen as a vital aspect of maternity protection from the start.

Maternity Protection is absolutely crucial for women's economic and social rights around childbirth. The aim of the 1919 Convention is two-fold:

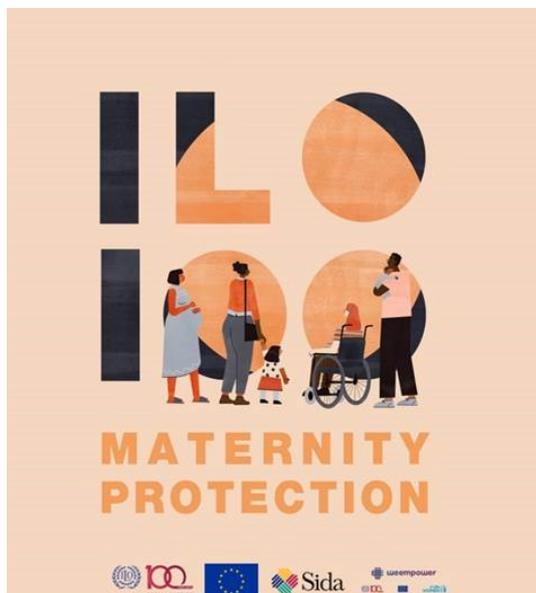
1. To preserve the health of the mother and her newborn.
2. To provide job and income security.

Maternity Protection was among the first core items of the ILO and has always been a central ILO concern. The Convention was adopted by the governments, employers and trade unions of the member States at the initial International Labour Conference in 1919, very rapidly after the creation

¹ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C003

of the ILO. This major achievement was the result of strong advocacy, including during the Women's Labour Congress in 1919.

At the time of the adoption of the Convention, no nation in the world met the new ILO standard. European and Latin American countries began signing onto the Convention in the 1920s and 1930s. After World War II, many Asian and some newly independent African nations followed suit.²



Two more ILO Conventions on Maternity Protection

Over the years, the scope and entitlements of maternity protection and benefits have been expanded progressively by the Maternity Protection Convention (Revised), 1952 (No. 103)³, and by the Maternity Protection Convention, 2000 (No. 183)⁴ in line with the evolving status and recognition of women's rights in the world of work. The Convention adopted in 2000 is accompanied by Recommendation No. 191.⁵ These more recent international labor standards aim to preserve the health of both the mother and newborn, to provide economic and job security, including protection from dismissal and discrimination, maintenance of earnings and benefits during maternity, and the right to resume work after giving birth, and therefore to promote equal opportunities in employment and occupation for women. The period of paid leave was increased from six to 12 weeks and later to 14 weeks. Mothers should have the right to paid breastfeeding breaks and a safe and healthy workplace.

Convention No. 183 covers all employed women, including those in atypical forms of dependent work, and includes:

- 14 weeks of maternity leave, including six weeks of compulsory post-natal leave;
- Cash benefits during leave of at least two-thirds of previous or insured earnings provided from social insurance or public funds; adequate cash benefits out of social assistance funds for women who do not meet qualifying conditions. Employers shall not be individually liable for the direct cost of such cash benefits.

² Mona L. Siegel The New York Times, 29 nov 2019 <https://www.nytimes.com/2019/11/29/opinion/mothers-paid-family-leave.html>

³ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C103

⁴ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183

⁵ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312529:NO

- Access to medical care, including pre-natal, childbirth and post-natal care, as well as hospitalization when necessary;
- Health protection: the right of pregnant or nursing women not to perform work prejudicial to their health or that of their child;
- Employment protection and non-discrimination during pregnancy, whilst on maternity leave or whilst nursing.
- Breastfeeding: minimum of one daily break, with pay.

The right to maternity protection is recognized around the world and almost all countries have now adopted maternity protection legislation. The ILO Conventions have had a very broad impact. Over the last 20 years, there have been improvements in terms of leave duration. The paid maternity leave, based on social security instead of employer liability, was introduced in more countries than ever before.

Many other ILO Conventions relate directly and indirectly to maternity protection, such as, for example the Social Security (Minimum Standards) Convention, 1952 (No. 102)⁶, the Conventions on Family Responsibilities (No. 156, 1981)⁷, on Occupational Health and Safety at Work (No. 155, 1981),⁸ on Domestic Workers (No. 189, 2011)⁹, and the like.

So far, 72 ILO member States have ratified at least one of the maternity Conventions. An additional nine countries have accepted Part VIII of the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102)¹⁰, which covers maternity health care and cash benefits.

As of June 2019, 38 countries had ratified the most recent Convention, 2000 (No. 183). Although this represents the third highest ratification rate among ILO Conventions adopted over the last thirty years (with three new ratifications in 2019), more efforts are needed to increase the ratification rate. Furthermore, only 41% of women with newborns receive maternity cash benefits that provide them with income security around childbirth: for women working in the informal sector, which is the case for the majority of women in most developing countries, maternity protection remains elusive. Women face maternity-related threats to their health and economic security. They suffer from the threats of dismissal, violence, harassment and hostility at work.



⁶ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312247

⁷ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C156

⁸ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::no::p12100_instrument_id:312300

⁹ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189

¹⁰ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312247:NO

Conference on the Maternity Protection Convention, November 2019 (Geneva, ILO)

To mark the 100th anniversary of the Maternity Protection Convention, the ILO and the European Commission hosted an expert seminar on maternity protection and care policies with senior policymakers on 8 November 2019. The conference “A Century of maternity protection: Transforming leave and care policies for a better future of work for all”, took place in the ILO’s Geneva headquarters. The event was organized in collaboration with UNICEF, UN Women and the International Network on Leave Policies & Research (INLPR). ZONTA International took part in the event.

Marking the Centenary of the first international labor standards on maternity protection offered a unique opportunity to reflect on the progress and challenges of realizing this crucial right. On this occasion, the ILO called on the member States to ratify and implement Convention No. 183 and Recommendation No. 191.

International experts, representatives from governments, trade unions and employers organizations and from civil society from all over the world delivered speeches and discussed the trends and lessons from a century of international labor standards on maternity protection and care. The speakers encouraged participants, public authorities and businesses to take action to achieve universal maternity protection and to improve care policies, including in the informal economy, with a view to ensure a decent future of work for all.



Recent trends and needs

In several countries around the world, fathers have a more active role in caregiving. This is likely to be one of the most significant social developments of the twenty-first century.

At the conference, NGOs stated that entitlements must be enlarged to fathers, reflecting their changing role in contemporary societies and the tasks that they ensure after the birth of the baby. Paid paternity and parental leaves are absolutely essential and must be allowed for all workers. An increasing number of countries are implementing measures to support both mothers’ and fathers’ care responsibilities, such as paternity, parental and adoption leave, and are providing services and facilities to enable nursing and childcare.



Furthermore, the increasing need to balance professional life with care responsibilities has enlarged the focus from maternity protection to the protection of all workers. This is evidenced by the recognition, in many States, of paid paternity and parental leaves. These policies increasingly recognize the need to counter the stereotype that women are mainly taking on the caring role and to improve the sharing of caring responsibilities between women and men, to the benefit of the health, equality and job quality of all. Maternity protection and, by extension, the protection of all workers taking family leave and making use of flexible working arrangements to balance professional and care responsibilities, are crucial to the achievement of the 2030 Sustainable Development Agenda and a future of work that is decent by design.

Effective access to quality maternal health care is still not universal. Discrimination, violence and harassment based on pregnancy, maternity and family responsibilities is endemic everywhere. Many formal and informal workplaces remain unsafe and unhealthy for all workers, especially pregnant and nursing women. Progress has been slow and uneven across ILO member States. In addition, diverse forms of work arrangements require expedited action especially for women in the informal economy and in micro, small and medium-sized enterprises, in order to make maternity protection a reality for all women.

As a conclusion at the conference, it was said that it is time for the world of work to adapt to people and families and that the economy serves the wellbeing of people and the planet – not the other way around. There is a need of a shift from maternity protection to parenthood protection and support.



Worldwide impact of the ILO Conventions on Maternity Leave

It is widely recognized that the ILO international labor standards on maternity influenced universal international human rights instruments. They also had an impact on regional policy frameworks and legislation adopted by the main regional inter-governmental organizations, such as the European Union (EU), the African Union or the Organization of American States. A number of EU Directives have defined and advanced a common floor of maternity protection and family responsibility provisions: the Pregnant Workers Directive 1992, the Gender Equality Recast Directive 2006, the Equal Treatment Directive 2010, which extended maternity protection rights to the self-employed,

and more recently the Work-Life Balance Directive 2019, which focuses on sharing of care responsibilities between parents and introduces paid paternity and parental leave, with earmarked periods for each of the parents, carers' leave and flexible working arrangements for workers with

care responsibilities. These directives are implemented throughout the European Union and represent important references for G7 and G20 declarations, road maps and other documents.

The International Labour Organisation (ILO) is the oldest specialized Agency of the UN. It was created in 1919 and it celebrates its centennial this year. The ILO was established by the “Peace Treaty of Versailles” that ended World War I in the belief that universal and lasting peace can be accomplished only if it is based on social justice.

Its primary task was to draft international labor standards, so-called Conventions and Recommendations and to oversee the development of international labor law.

Very interesting to note is that from the very beginning, one of the key missions of the ILO was the improvement of women’s rights and working conditions and equal remuneration for work of equal value.

Already in 1919, two Conventions were adopted which solely focused on women:

1. The Maternity Protection Convention. It recognizes the right to paid leave in relation to childbirth with employment protection. Since then, the scope of maternity protection and benefits has expanded as reflected in a new Maternity Protection Convention adopted in 2000 (No. 183).
2. The Convention on Night Work of Women. It prohibited women from performing industrial work during the night. It was revised several times and abrogated in 2017, as a new Night Work Convention, 1990 (No. 171) (and its accompanying Recommendation No. 178 and a Protocol enlarging the flexibility of Convention No. 89) aim at protecting all (male and female) workers against night work.

Both Conventions were adopted at the first International Labour Conference, Washington, November 1919.

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